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**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

M.H., a minor, through his Guardian Ad Litem,	)	
Michelle Henshaw, JOSEPH HARRISON, KRYSTLE	)	Case No. C11-2868 CW (MEJ)
HARRISON, MARTIN HARRISON, JR., and	)	
TIFFANY HARRISON, all Individually and as Co-	)	
Successors in Interest of Decedent MARTIN	)	<b>STIPULATION AND ORDER TO</b>
HARRISON,	)	<b>AMEND CASE MANAGEMENT</b>
	)	<b>ORDER</b>

Plaintiffs,

vs.

COUNTY OF ALAMEDA, a municipal corporation;  
 SHERIFF GREGORY J. AHERN, in his individual and  
 official capacities; DEPUTIES MATTHEW AHLF,  
 ALEJANDRO VALVERDE, JOSHUA SWETNAM,  
 ROBERTO MARTINEZ, ZACHARY LITVINCHUK,  
 RYAN MADIGAN, MICHAEL BARENO,  
 FERNANDO ROJAS-CASTANEDA, SHAWN  
 SOBRERO, SOLOMON UNUBUN, and DOES 1-20,  
 individually, jointly and severally,

Defendants.

1 ALL PARTIES, THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, HEREBY  
2 STIPULATE, AND REQUEST THIS COURT TO ORDER, THAT the case management order be  
3 amended as follows:

4 This is a complex wrongful death /civil rights case that arose in the Alameda County Jail,  
5 with five Plaintiffs, 12 named Defendants, and 20 Doe Defendants. The parties exchanged initial  
6 disclosures, exchanged written discovery, and subpoenaed records. Defendants took six  
7 depositions. Plaintiffs also took six depositions.

9 To prepare this matter for trial, Plaintiffs' counsel intend to depose the remaining Defendant  
10 deputies, some medical providers, "persons most knowledgeable" pursuant to Federal Rule of Civil  
11 Procedure 30(b)(6), and other witnesses. Due to the number of plaintiffs, defendants, and  
12 individuals involved in the incident and care of the decedent, the parties initially agreed to limit  
13 depositions to 20 per side. However, due to the complexity of this case, Plaintiffs indicate that they  
14 need to depose more than 20 witnesses.

16 The parties stipulate and agree that Plaintiffs shall be permitted to depose 28 percipient and  
17 party witnesses, provided that the total time for all depositions does not exceed 70 hours. Plaintiffs  
18 have already noticed these 28 depositions and conducted 6 of them. It should be noted that one of  
19 the noticed deponents is Defendant Sheriff Gregory Ahern. Defendants have objected to the taking  
20 of Sheriff Ahern's deposition, and by agreeing to allow Plaintiffs to conduct 28 depositions,  
21 Defendants do not withdraw their objection or agree to this deposition. Plaintiffs have agreed to  
22 defer the issue of Sheriff Ahern's deposition to the end of discovery.

24 The parties have not yet completed a settlement conference. The settlement conference was  
25 initially scheduled for April 3, 2012 before Judge James and was continued to a date no later than  
26 July 20, 2012 by stipulation and request of the parties. Judge James rescheduled the settlement  
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conference for July 10, 2012 and then continued the settlement conference on her own motion to November 20, 2012.

In addition, Plaintiffs will seek to amend the complaint to substitute one county employee, Corizon (formerly Prison Health Services), and two Corizon employees for named Doe Defendants. The current Defendants will not stipulate to allowing Plaintiffs to file a second amended complaint. Plaintiffs will file a motion to amend the complaint by September 12, 2012.

Given the number of depositions that remain to be taken, counsels' various trial commitments in other matters, that the parties will not be able to engage in meaningful settlement discussions until late November, and that Plaintiffs are seeking to amend the complaint, the parties stipulate and agree to continue the trial date from February 4, 2013 to May 28, 2013 or July 22, 2013, and to continue the deadlines for the completion of fact discovery, expert discovery, and the dispositive motion hearing deadline accordingly. This is the first request for extension of such deadlines.

Therefore, the parties respectfully request that this Court continue the current deadlines in this matter as follows:

<b>Deadline Description</b>	<b>Current Deadline/Date</b>	<b>Proposed Modified Deadline/Date</b>
Completion of Fact Discovery	September 28, 2012	February 1, 2013
Disclosure of Expert Witnesses' Identities and Reports	November 16, 2012	February 15, 2013
Dispositive Motion Hearing Deadline	October 25, 2012	March 28, 2012
Settlement Conference	November 20, 2012	No change
Completion of Expert Discovery	December 14, 2012	April 5, 2013
Pretrial Conference	January 23, 2013	Any appropriate time per the Court's schedule
Trial	February 4, 2013	May 28, 2013 or July 22, 2013

1 Dated: August 30, 2012

HADDAD & SHERWIN

2 /s/ Michael J. Haddad

3 MICHAEL J. HADDAD

4 Attorneys for Plaintiffs

5 JOSEPH HARRISON, KRYSTLE HARRISON,  
6 MARTIN HARRISON JR., and TIFFANY  
7 HARRISON

8 Dated: August 30, 2012

THE LAW OFFICES OF JOHN L. BURRIS

9 /s/ Benjamin Nisenbaum\*

10 BENJAMIN NISENBAUM

11 Attorneys for Plaintiff

12 M.H.

13 Dated: August 30, 2012

ANDRADA & ASSOCIATES

14 /s/ J. Randall Andrada\*

15 J. RANDALL ANDRADA

16 Attorneys for Defendants


17 COUNTY OF ALAMEDA, GREGORY G. AHERN,  
18 MATTHEW ALHF, ALEJANDRO VALVERDE,  
19 JOSHUA SWETNAM, ROBERTO MARTINEZ,  
20 ZACHARY LITVINCHUK, RYAN MADIGAN,  
21 MICHAEL BARENO, FERNANDO ROJAS-  
22 CASTANEDA, SHAWN SOBRERO, and  
23 SOLOMON UNUBUN

24 \* Mr. Nisenbaum and Mr. Andrada provided their consent that this document be electronically filed.  
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**ORDER**

Pursuant to stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED **except** as follows: the dispositive motion deadline is 3/28/13; a further case management conference will be held on 3/28/13 whether or not a dispositive motion is filed; pretrial conference will be held to 7/10/2013 at 2:00 p.m.; and the jury trial will begin on 7/22/2013 at 8:30 a.m.

Dated: 9/4/2012

  
HONORABLE CLAUDIA WILKEN  
United States District Judge